

**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL
APPROVING IN PART, DISSENTING IN PART**

Re: *Transforming the 2.5 GHz Band*, WT Docket No. 18-20, Report and Order
(July 10, 2019)

In 1960, when Senator John F. Kennedy was roaming the country, campaigning for the highest office in the land, he described television as having “the potential to teach more things to more people in less time than anything yet devised.” I’m struck by those words about the educational power of television. That’s because they sound so much like the ones we use today to describe the power of broadband for our schools and students.

His enthusiasm for educational television did not end with the presidential campaign. In 1962, President Kennedy signed the Educational Television Facilities Act, which provided the first funds to noncommercial broadcasting. At the signing ceremony, he was accompanied by Newton Minow, his hand-picked chairman of the Federal Communications Commission. Of course, Newton Minow famously had his doubts. A year before the passage of this law he called television “a vast wasteland.” But a year after passage, Chairman Minow set out to make educational television a reality. Under his leadership, in fact, this agency introduced Instructional Fixed Television Service, or ITFS.

ITFS made its home in the 2.5 GHz band. Licenses were distributed to educational institutions committed to delivering instructional television services to schools. It was a grand idea. Use the power of broadcasting to teach. Remake education. But history shows that even with all this enthusiasm for instructional television, many ITFS licensees had difficulty making full use of their spectrum. So over time the FCC permitted educational licensees to use these airwaves in another way and lease excess capacity for commercial use.

Fast forward to 2004. The FCC took another look at ITFS. It renamed it the Educational Broadband Service, or EBS. But it did more than just rebrand these airwaves, it sought to reimagine their possibilities by encouraging their use not just for instructional television, but for educational broadband. Some truly promising efforts to ensure online access for students followed, in communities as diverse as Albermarle County, Virginia; Marquette, Michigan; and Desert Sands, California. But not every licensee has been able to put this spectrum to the educational use the FCC imagined. So last year, the FCC released yet another rulemaking to address the 2.5 GHz band.

This brings us to the present and this decision. This order turns its back on the schools and educational institutions that have made the 2.5 GHz band their home since 1962. Today the FCC takes the innovative effort to infuse this band with learning opportunities—an initiative that dates back to the Kennedy Administration—and reverts to uninspired and stale commercial spectrum policy.

This is a shame. Instead of using these airwaves in creative ways, we take the 2.5 GHz band, cut education from its mission and collapse this spectrum into an overlay auction system that structurally advantages a single nationwide carrier.

It didn't have to be this way.

I think the educational history of this band is important. I think it should inform our effort to put this band to greater use for next generation wireless services. I think instead of this uninspired overlay auction we should be doing something bold. We should be doing something creative. We should be doing something that honors the past in this band but takes it firmly into the 5G future.

There's a way to do this. Let me describe how.

In 2012, Congress gave the FCC the authority to use innovative market mechanisms to nudge more spectrum into commercial wireless markets. We used this authority for the first time in 2016 to do something that had never been tried before. We tested the proposition that existing spectrum licensees might voluntarily relinquish their rights in exchange for a portion of the proceeds of the subsequent reauction of their airwaves for new flexible use. We dubbed this effort—which took place in the 600 MHz band—a voluntary incentive auction.

That auction concluded in 2017. Regulators globally took note. But we didn't stop there. We didn't hang up our hats after addressing only the spectrum needs of our private companies. We recognized that we had public problems to solve and that this auction process could help.

So we blazed a trail for another first. With the blessing of Congress, we took the revenues raised from our first-ever incentive auction and used them to connect first responders across the country to a nationwide network for public safety with blazing-fast facilities. This first responder network is helping law enforcement, firefighters, and emergency medical technicians save lives and protect communities across the country.

I don't think there is any shame in copying a good idea. We should take this model and reimagine it for education in the digital age. While our first incentive auction connected first responders, our next could free mid-band spectrum for 5G and connect students.

Here's why this is important. Today, seven in ten teachers assign homework that requires access to broadband. But FCC data show that as many as one in three households do not subscribe to broadband service. Where these numbers overlap is what I call the Homework Gap.

The Homework Gap is real. The Associated Press tells us that it affects nearly one in five students in the United States. For students in homes without broadband, just getting nightly schoolwork done is hard. I've seen it firsthand in rural areas, urban areas, and everywhere in between. Kids sitting in parking lots late into the evening just to get a signal to do their nightly schoolwork. Students sliding into booths at fast food restaurants every afternoon to do their homework with fizzy drinks and fries. Parents cobbling together connectivity trips to the homes of relatives and libraries with limited hours just to help their children get their assignments done.

It shouldn't be this hard. We should do something about it—and the 2.5 GHz band presents a perfect place to start.

This is how it would work. The FCC has unused 2.5 GHz licenses in inventory. It has the authority to hold another voluntary incentive auction. Existing EBS licensees could then make a choice, keeping what they have today or returning their airwaves for compensation they could use to get the resources they need for education in the digital age. Doing so would require addressing license size, long-term leasing, and other issues unique to the band. But if we were to combine these two sources of 2.5 GHz spectrum, we would be able to hold a substantial nationwide auction for new, flexible, commercial use of key mid-band airwaves vital to 5G service.

Then, we could take the funds raised in this nationwide auction and solve the educational challenge that affects students all across the country. We could close the Homework Gap. These funds could be used to support connectivity for millions of students who lack broadband at home—through loans of wi-fi hotspots at school libraries and other creative programs—to ensure that no child is left offline.

Here's the kicker. We could do this in short order. Just look at the 37, 39, and 47 GHz bands, where we moved from public notice to a modified incentive auction in just nine months. In fact, the innovative voucher mechanism we adopted for these bands could be used in the 2.5 GHz band as well.

In short, we could honor what President Kennedy and his allies tried to do decades ago when they sought to spark educational use in the 2.5 GHz band. We have an opportunity now to nod to his history but do it in a way that is thoroughly modern and helps make sure every student has the connectivity they need for schoolwork. I regret that we do not do it here. So I dissent.

However, there is one thing I think today's order gets right and that's the decision to preserve a filing window for Tribal entities seeking spectrum licenses. For too long those in these communities have lacked meaningful access to modern communications. Native Americans should not be the last Americans with access to broadband. Addressing this problem will take more than what we do here, but it's an initiative that I support and the lone aspect of today's decision that I approve.